Education & P.H. (194 5) Department.

Miscellaneous SERIES.

G.O. No. 1622.Public Health.

85

Dated 19th June 1945.

[Despatch Abstract.]

Licence - Mangalore Municipality - Cashewnut factory of Messrs.Mizar Krishna Annappa Pai Co., Nuisance caused by the working of - Inaction on the part of the Commissioner and Health Officer - Orders issued.

8/4/45

B. T. B. INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Recd. at ___ H ___ M. Sent at ___ H. 8 APR 10 M.
From ___ To ___
By ___ By ___

O. KG Mangalore Kna 7
Edhealth Madras

Khwa Mizarkars cashew factory closed since advisers visit in October is vindictively working again without license smoke nuisance awful sufferings unbearable people tortured daily Health Officer Baliga grossly indifferent & advises neighbours to abandon Homes pray Govt intervene & enquire secretary & deliver poor people

Chudappa, Sequeira, Badruddin.

Eden Press, Calcutta—No 146 (5167)(B-99)—28-7-44—50,000 Blks.

Endt. 13952-H/45-1 dated

Referred to the Director of Public Health for a very early report -

DIRECTOR OF PUBLIC HEALTH
12 APR 1945
MADRAS

Clarence Clarke
11/4/1945
Deputy Secretary

The Director of Public Health.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

C. Class / Prefix] Code No.

Recd. from

By

Sent at H. M.

To

By

Office Stamp

SECRETARY, EDN. AND P. H. DEPT. GOVERNMENT OF KERALA

8 APR 45

Handed in at (Office of Origin).	Date	Hour	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

C. Class / Prefix] _____ Code _____

Recd. from _____	Sent at _____ H. _____ M.	*Office Stamp.*
By _____	To _____	
	By _____	

Handed in at (Office of Origin).	*Date.*	*Hour.*	*Minute.*	*Service Instructions.*	*Words.*

TO

Recd. here at _____ *H.* _____ *M.*

Govt of Madras

Education and P. H Department.

Endorsement no. 13952 /45-1 DPH 11.4.45

Referred to the Director of Public Health for very early report.

O/C

11/4/45
Deputy Secretary to Govt

10.4.45

To the Director of Public Health

(~~Order dated 10.4.45~~)

10.4.45

Dft
CS
11.4.45

Note: The endt. in orgl. below
CS 45 for signature 11/4/45
10.4.45

From.
Major.J.H.Gorman.I.M.S.
Director of Public Health,
MADRAS.

To
The Secretary to Government,
Education & Public Health Dept.
Fort St. George, Madras.

R.No.18870-Hyg-45-1 dated 18th April 1945.

Sir,

1630

Sub:-Cashewnut factory--Mangalore Municipality--South Kanara District--Working--Complaint.

Ref:-Government endorsement No.13958-H-45 dated 11-4-45.

The place will be inspected by the Assistant Director of Public Health during the month of May and a report furnished to Government.

For Director of Public Health, Madras.

MN/19-4.

Secret Dept.

The D.P.H may be reminded if necessary on 15.5.45. A2 has asked that a report may be got ready by 21/4/45. It does not seem to be enough if an A.D.P.H inspects the place during the month of May". The draft below for first approval.

21.4.45

22/4/45

42/24/4

Dy. No. (H)

Licence - Mangalore Mfg — Cashew Nut factory at Uppa.

From the D.P. Jt. No. 18870-Dy -45-1 Dt 18.4.45.

Dy 24/4

Memo 13952-H/45-2 dated 24.4.45

The Director's attention is invited to this No. 13952-H-45- Dt 11.4.45 on the above subject. He is requested to treat the matter as urgent and submit his ~~remarks~~ report after discussion with A.D.P. Jt to visit Mangalore ~~immediately~~ at a very early date -

The D.P. Jt (Qrtrs) 21.4.45

22/4/45

20431.

From

1. A. Chudappa,
2. John Saqueira
3. Adda Hajee Badruddin Sahib

} All residing at Bolcor, Mangalore.

ASST. SECRETARY TO GOVERNMENT
2 MAY 1945
EDUCATION AND PUBLIC HEALTH DEPT.

To

1. The Secretary to Government, Public Health, Fort St. George, Madras.
2. Sir T. Austin, Adviser to His Excellency, Fort St. George, Madras
3. The Inspector of Municipal Councils & Local Boards, Madras.
4. The Director of Public Health, Madras.

Subject:- Mizarkars Cashew Factory - Roasting of Cashewnuts without licence from Municipality - awful nuisance -

S i r s,

In continuation of our telegrams to you about the above nuisance, we beg to enclose herewith true copies of our representations to the Collector and District Magistrate, South Kanara, dated 13- 4- 1945 and 30- 4- 1945 and pray for urgent action by telegrams and for delivery from the nuisance.

We beg to remain,

S i r s,

Your obedient servants,

1. Abdoappa
2.
3.

Mangalore,
30- 4- 1945

~~The telegrams referred to above have been~~

The telegrams have been referred to the D.P.H. for report and he has been specially requested to treat the matter as urgent, vide pages 4 and 7 ante. An interim reply may be sent to the party. A draft is submitted on page 10 infra.

As a copy of this petition has is

Sent ~~Endorsed~~ to the D.P.H. also, it does seem necessary to pass this on to the D.P.H. in continuation of Govt. Endt. at page 4 ante. for orders.

TMS
3.5.45.

Illegible
3.5.45

Illegible
e/s Ver

Illegible
2/5

51
2/5

Illegible
b/s

Govt. & P.H (H)

Memo no. 13952 H/45-3 PH. dated 7.5.45

Licensé - Mangalore Municipality - Cashew nut factory at Urwa.

From A. Chadappa, John Segveira and Adda Hajee Badruddin Sahib, all Bolour Mangalore, petition dated 30.4.45

Page 9 ante

The petitioners are informed that their representations on the above subject are receiving attention. ~~A reply will be sent to them in due Course~~

TMS
3.5.45

Illegible
3.5.45

Illegible
e/s Ver

To

Messrs. A. Chidappa, John Segveira and Adda Hajee Badruddin Sahib all residing at Bolour Mangalore.

Posted 8.5.45

Mangalore, 13- 4- 1945.

From
1. A. Chudappa, Boloor, Mangalore,
2. John Sequeira, Weaving Factory, Boloor, Mangalore
3. Adda Hajee Badruddin Sahib, Boloor, Mangalore.

To
The Collector and District Magistrate,
South Kanara, Mangalore.

S i r,

We beg to enclose herewith a true copy of a telegram sent by us to the Madras Government and the Director of Public Health last week complaining against the unbearable nuisance and torture cause to us and our hundreds of neighbours women and children by the Mizarkar Cashew Factory of Boloor on account of their frying of cashew nuts in their factory <u>without a licence</u>.

Since we sent the telegram, the nuisance has grown worse and our sufferings more intense. Hundreds of children and women are being thrown down to the ground in the factory premises in the neighbourhood and in the neighbouring schools almost every day from 9 A.M. to 1 P.M. when the frying of cashew nuts are in full swing. Our appeals to the Municipal Health Officer and the Municipal Chairman are absolutely in vain.

To-day some of us approached in person Mr. C.L.Lobo, Vice-Chairman and requested him to come to our rescue. At 12 noon he paid a surprised visit to the factory. But he was refused permission inside the premise. But the Vice-Chairman noticed thick, black and white smoke pouring out from the various chimneys of the factory and the smoke had spread itself all round the factory to a radius of nearly half a mile. He found a lot of people and especially women and children coughing severely on account of the smoke. He even paid a visit to the neighbouring Labour School and found the building full of irritating and stinking smoke

from the cashew nut factory. The school had about 50 children and all in a body complained to him.

Unless Government immediately intervenes and stops the frying of cashew nuts, we respectfully submit, there is bound to be great havoc and danger to the lives of hundreds of persons women and children living in the area.

When any Officer of Government are expected to visit the cashew factory arrangements are made to keep the smoke locked up inside or to reduce the frying of cashew nuts. But the moment such officersleave the premise before they proceed half a mile then the locked up smoke is let through all the chimneys with a vengence and our sufferings are worse than ever before.

We beg to remain,

Sir,

Your obedient servants,

Sd/- A.Chudappa,
" J.Sequeira
" Adda Hajee Badruddin Sahib.

/True Copy/-

From

1. A.Chudarpa) All residing at
2. J.Sequeira) Boloor, Manga-
3. Adda Hajee Badruddin Sahib) lore Town.

To

The Collector and District Magistrate,
South Kanara,
Mangalore.

Subject:- Mizarkar's Cashew Factory - awful nuisance roasting cashewnuts without licence.

S i r,

In continuation of our letter to you dated 13-4-45 with copy of our telegrams to Government and the Director of Public Health, we beg to submit further as follows:-

1. Soon after the visit of Mr. T. Austin, Adviser to His Excellency the Governor to Mangalore Town in October 1944, the roasting of cashewnuts in the above factory was stopped and we had no nuisance. Suddenly they started roasting again early in February 1945. On 8- 2- 1945 the first of us sent a petition to the Chairman, Municipal Council. The said petition was endorsed on 10- 2- 1945 by the Chairman and the Commissioner to the Municipal Health Officer (Dr. Baliga) who received it on 15- 2- 1945. The roasting of cashew nuts was being carried on vigourously, there was another petition by one L. Sequeira on 14- 2- 1945 complaining against the factory.

2. The Municipal Health Officer (Dr. Baliga) bottled up the petitions with him for some days and on 23- 2- 1945 endorsed it to the Sanitary Inspector for report if the factory has started work again.

3. Just for a day on 23- 2- 1945 roasting of cashew nuts was closed. The Sanitary Inspector inspeted the factory on 23- 2- 1945 and reported on 23- 2- 1945 itself to the Municipal Health Officer that the factory was closed. The Health Officer re-transmitted the petition to the Commissioner on

24- 2- 1945 stating that as "the cashew nut factory is closed, there is no cause for further action now".

4. The factory started work again from 25-2-45. The petition referred to above with the reports of the Sanitary Inspector dated 23- 2- 1945 and the Municipal Health Officer's endorsement dated 24- 2- 1945 came up before Council after about a month i.e. on 26- 3- 1945. At the Council meeting it was discovered that no licence had been granted to the factory owners for roasting cashew-nuts. The Municipal Health Officer quoted some old communication from the Director of Public Health and seemed to suggest that the Mizarkar's Cashewnut Factory could roast cashew-nuts within the Municipality without a licence! The matter was made to lie over and the Municipal Health Officer was asked to put up all old papers.

5. The matter come up before the Council meeting again on 16- 4- 1945 with a licence application from the Mizarkar's. After a vigorous debate, the Council unanimously resolved that a licance to Mizarkar's should be granted for 1945-46 only on the following conditions:-

(1) that they should use only fire-wood for fuel
(2) that the height of the chimneys should be atleast 25 feet above the cop of the roof of buildings
(3) that the chimneys should be without a cap
(4) that under no circumstances, cashew shells should be used for any burning operations.

6. We beg to submit that the above conditions were not at all new. They are all old conditions which were attached to the licence for 1943-44 and 1944-1945. But the Municipal Health Officer seems to be anxious to allow the Mizarkar's to carry on their offensive and dangerous trade of roasting cashewnuts within the Municipality without a licence.

Some Councillors were approached to circumvent the above resolution of the Council. The Municipal Health Officer made a reference to the Director of Public Health on the above reference and the Chairman called for a special meeting of the Council on 23- 4- 1945 to consider that reference. Only 13 or 15 Councillors met and nothing-useful-could be done as most of them-appeared to have been influenced by the Municipal Health Officer and by the Mizarkars.

7. For the meanwhile roasting of cashew nuts is going on in full swing without a licence. On 27-4-45 the Labour Conciliation Officer (Mr. Moses) paid a surprise visit to the factory at 11.30 A.M. He as accompanied by the Vice-Chairman. At that tim the factory was working in full swing. At a distance of three to four furlongs from the factory towards the east they perceived the pungent irritating stinking cashewnut roasting smoke and smell which was pervading the whole atmosphere all round. Dark, thick, heavy smoke was coming out of the several chimneys and it had spread into the gardens and houses in the neighbourhood upto a distance of nearly two furlongs. They visited the neighbouring Labour School which was full of stinking and irritating smoke and heard the complaints from the school-master and the children. They went round to several houses in the neighbourhood and found out almost every house had patients suffering from asthama and even consumption, due to the cashewnut smoke and smell. They found several people, men and women and children coughing severally every where and in every house and complaining of the nuisance of the smoke from the factory. The irritation suffocation and smell due to fumes was so terrible that the Labour Conciliation Officer could not remain in the factory premises long and was forced to run away.

8. The Sanitary Inspectors of the Municipality in 1943 and 1944 had reported that licence for roasting cashew-nuts should be refused as (1) the factory is in the midst of thickly populated area, (2) there is smoke nuisance to the persons living in the vicinity, (3) smoke nuisance effects more than 2,000 people working in the factory, (4) the chimneys are at lower level, (5) as cashewnuts shells are being used for fuel.

9. The District Health Officer and the Health Inspectors in 1942 had reported that the working of this factory in such close proximity to crowded human habitation is a positive nuisance to the health of the neighbours and a grave public nuisance endangering the safety, convenience, health and life of the residents of the neighbourhood.

10. And yet the Municipal Health Officer of our Municipalityand the Municipal Commissioner are allowing the factory to roast cashew nuts without a licence from the Municipality and defend the factory and justifying their action by a veiled suggestion that they cannot interfere without orders of the Director of Public Health who, it is suggested by them, has allowed the factory to roast cashewnuts without a licence and to torture the poor neighbours.

11. Sir, in 1940-41 one Aspinwall _ Co. started roasting cashew nuts at Bolcor within the Municipality and applied for licence. This very Municipal Health Officer (Dr. Subraya Baliga) wrote such a strong report to the Council and the Government against such sort of nuisance and danger to public health that licence was refused and the factory was finally closed. But in the case of this Mizarkar's factory, where the nuisance is much worse and more dangerous that this very Dr. Subraya Baliga not only tolerates the nuisance, but allows the factory to work without even a licence from the Municipality.

12. Sir, we cannot suffer any more. If the Municiapl

Health Officer and the Commissioner are allowed to go on doing as they like, ~~kka~~ it means that we, our wives and children should suffer and die.

13. When people approach the Municipal Health Officer for relief, he suggests that we should sell our holdings to Mizarkar's and go away from the locality.

We, therefore, appeal to you to interfere with an iron hand and strictly and forthwith enforce the resolution No. 38 of the Municipal Council meeting d/- 16- 4- 1945 and save us from further agony and sufferings. You have saved us and our district from starvation and famine. We appeal to you, Sir, to deliver us from this ~~mmm~~ monstrous nuisance and help us to live comfortably and in peace.

We beg to remain,

Sir.

Your most obedient servants,

Mangalore,
30- 4- 1945.

1. Abubakker
2.
3. Abdul Ali

EMP

Yes

1. A. Chari ,
2. John ogaira
3. Alu Hajee Ebrahim ahib

6 MAY

To

21196

1. The Secretary to Government, Public Health, Fort, St. George, Madras.
2. Mr T. Muthia, Lawyer to His Excellency, Fort, St. Georges, Madras.
3. The Inspector of Municipal Councils - Coastal Region, Madras.
4. The Director of Public Health, Madras.

Subject:- Hawkers Peddlers notary - Dealing of Arrowroot without Licence from Municipality - penal notice on -

i r s,

In continuation of our telegram to you about the above matter, we beg to enclose herewith true copies of our representations to the Collector and District Magistrate, Cuddalore, dated 13- 4- 1945 and 30- 4- 1945 and pray for urgent action by telegram and for delivery from the sanction.

We beg to remain,

i r s,

Your obedient servants,

Cuddalore,)
30- 4- 1945)

for A. T. Muthia & Co.

(Illegible)

Ex D2's orders a report has been called for from the D.P.H. who has been asked to treat the matter as urgent - His reply may be awaited till 15.5.45.

8.5.45

11/5/45

Copy of Paper 11-17 ante 21

Bangalore, 13- 4- 1945.

From
1. A. Thaumaya, Baloor, Bangalore,
2. John Lobo, Cashew Factory, Baloor, Bangalore
3. Abu Hajee Zainuddin Sahib, Baloor, Bangalore.

To
The Collector and District Magistrate,
South Kanara, Bangalore.

Sir,

We beg to enclose herewith a true copy of a telegram sent by us to the Bombay Government and the Director of Public Health last week complaining against the unbearable nuisance and torture caused to us and our hundreds of neighbours women and children by the Mangalore Cashew Factory of Baloor on account of their frying of cashew nuts in their factory without a license.

Since we sent the telegram, the nuisance has grown worse and our sufferings more intense. Hundreds of children and women are being thrown down to the ground in the factory premises in the neighbourhood and in the neighbouring schools almost every day from 9 A.M. to 1 P.M. when the frying of cashew nuts are in full swing. Our appeals to the Municipal Health Officer and the Municipal Chairman are absolutely in vain.

To-day some of us approached in person Mr. C.L. Lobo, Vice-Chairman and requested him to come to our rescue. At 12 noon he paid a surprised visit to the factory. But he was refused permission inside the premises. But the Vice-Chairman noticed thick, black and white smoke pouring out from the various chimneys of the factory and the smoke had spread itself all round the factory to a radius of nearly half a mile. He found a lot of people and especially women and children coughing severely on account of the smoke. He even paid a visit to the neighbouring Labour School and found the building full of irritating and stinking smoke

from the cashew nut factory. The school had about 50 children and all in a body complained to him.

Unless Government immediately intervenes and stops the frying of cashew nuts, we respectfully submit, there is bound to be great havoc and danger to the lives of hundreds of persons women and children living in the area.

When any Officer of Government are expected to visit the cashew factory arrangements are made to keep the smoke locked up inside or to reduce the frying of cashew nuts. But the moment such officers leave the premise before they proceed half a mile then the locked up smoke is let through all the chimneys with a vengence and our sufferings are worse than ever before.

We beg to remain,

Sir,

Your obedient servants,

Sd/- A.Chudappa,
" J.Zequeira
" Adda Hajee Ibrahim Sahib.

/True Copy/-

L. T. M. & J. Lopes.

From

1. A.Chudappa
2. J.Sequeira
3. Adda Hajee Badruddin Sahib

} All residing at Boloor, Mangalore Town.

and others.

To

The Collector and District Magistrate,
South Kanara,
Mangalore.

Subject:- Mizarkar's Cashew Factory - awful nuisance - roasting cashewnuts without licence.

S i r,

In continuation of our letter to you dated 13-4-45 with copy of our telegrams to Government and the Director of Public Health, we beg to submit further as follows:-

1. Soon after the visit of Mr. T. Austin, Adviser to His Excellency the Governor to Mangalore Town in October 1944, the roasting of cashewnuts in the above factory was stopped and we had no nuisance. Suddenly they started roasting again early in February 1945. On 8- 2- 1945 the first of us sent a petition to the Chairman, Municipal Council. The said petition was endorsed on 10- 2- 1945 by the Chairman and the Commissioner to the Municipal Health Officer (Dr. Baliga) who received it on 15- 2- 1945. The roasting of cashew nuts was being carried on vigourously; there was another petition by one L. Sequeira on 14- 2- 1945 complaining against the factory.

2. The Municipal Health Officer (Dr. Baliga) bottled up the petitions with him for some days and on 23- 2- 1945 endorsed it to the Sanitary Inspector for report if the factory has started work again.

3. Just for a day on 23- 2- 1945 roasting of cashew huts was closed. The Sanitary Inspector inspeted the factory on 23- 2- 1945 and reported on 23- 2- 1945 itself to the Municipal Health Officer that the factory was closed. The Health Officer re-transmitted the petition to the Commissioner on

24- 2- 1945 stating that as "the cashew nut factory is closed, there is no cause for further action now".

4. The factory started work again from 25-2-45. The petition referred to above with the reports of the Sanitary Inspector dated 23- 2- 1945 and the Municipal Health Officer's endorsment dated 24- 2- 1945 came up before Council after about a month i.e. on 26- 3- 1945. At the Council meeting it was discovered that no licence had been granted to the factory owners for roasting cashew-nuts. The Municipal Health Officer quoted some old communication from the Director of Public Health and seemed to suggest that the Mizarkar's Cashewnut Factory could roast cashew-nuts within the Municipality without a licence! The matter was made to lie over and the Municipal Health Officer was asked to put up all old papers.

5. The matter came up before the Council meeting again on 16- 4- 1945 with a licence application from the Mizarkar's. After a vigorous debate, the Council unanimously resolved that a licence to Mizarkar's should be granted for 1945-46 only on the following conditions:-

(1) that they should use only fire-wood for fuel
(2) that the height of the chimneys should be atleast 25 feet above the top of the roof of buildings
(3) that the chimneys should be without a cap
(4) that under no circumstances, cashew shells should be used for any burning operations.

6. We beg to submit that the above conditions were not at all new. They are all old conditions which were attached to the licence for 1943-44 and 1944-1945. But the Municipal Health Officer seems to be anxious to allow the Mizarkar's to carry on their offensive and dangerous trade of roasting cashewnuts within the Municipality without a licence.

Some Councillors were approached to circumvent the above resolution of the Council. The Municipal Health Officer made a reference to the Director of Public Health ~~on the above reference~~ and the Chairman called for a special meeting of the Council on 23- 4- 1945 to consider that reference. Only 13 or 15 Councillors met and nothing useful could be done as most of them appeared to have been influenced by the Municipal Health Officer and by the Mizarkars.

7. ~~For~~ the meanwhile roasting of cashew nuts is going on in full swing without a licence. On 27-4-45 the Labour Conciliation Officer (Mr. Moses) paid a surprise visit to the factory at 11.30 A.M. He was accompanied by the Vice-Chairman. At that time the factory was working in full swing. At a distance of three to four furlongs from the factory towards the east they perceived the pungent irritating stinking cashewnut roasting smoke and smell which was pervading the whole atmosphere all round. Dark, thick, heavy smoke was coming out of the several chimneys and it had spread into the gardens and houses in the neighbourhood upto a distance of nearly two furlongs. They visited the neighbouring Labour School which was full of stinking and irritating smoke and heard the complaints from the school-master and the children. They went round to several houses in the neighbourhood and found out almost every house had patients suffering from asthama and even consumption, due to the cashewnut smoke and smell. They found several people, men and women and children coughing severally every where and in every house and complaining of the nuisance of the smoke from the factory. The irritation suffocation and smell due to fumes was so terrible that the Labour Conciliation Officer could not remain in the factory premises long and was forced to run away.

8. The Sanitary Inspectors of the Municipality in 1943 and 1944 had reported that licence for roasting cashew-nuts should be refused as (1) the factory is in the midst of thickly populated area, (2) there is smoke nuisance to the persons living in the vicinity, (3) smoke nuisance effects more than 2,000 people working in the factory, (4) the chimneys are at lower level, (5) as cashewnuts shells are being used for fuel.

9. The District Health Officer and the Health Inspectors in 1942 had reported that the working of this factory in such close proximity to crowded human habitation is a positive nuisance to the health of the neighbours and a grave public nuisance endangering the safety, convenience, health and life of the residents of the neighbourhood.

10. And yet the Municipal Health Officer of our Municipalityand the Municipal Commissioner are allowing the factory to roast cashew nuts without a licence from the Municipality and defend the factory and justifying their action by a veiled suggestion that they cannot interfere without orders of the Director of Public Health, who, it is suggested by them, has allowed the factory to roast cashewnuts without a licence and to torture the poor neighbours.

11. Sir, in 1940-41 one Aspinwall _ Co. started roasting cashew nuts at Bolgor within the Municipality and applied for licence. This very Municipal Health Officer (Dr. Subraya Baliga) wrote such a strong report to the Council and the Government against such sort of nuisance and danger to public health that licence was refused and the factory was finally closed. But in the case of this Mizarkar's factory, where the nuisance is much worse and more dangerous, this very Dr. Subraya Baliga not only tolerates the nuisance, but allows the factory to work without even a licence from the Municipality.

12. Sir, we cannot suffer any more. If the Municipl

Health Officer and the Commissioner are allowed to go on doing as they like, ~~kka~~ it means ~~not~~ that we, our wives and children should suffer and die.

13. When people approach the Municipal Health Officer for relief, he suggests that we should sell our holdings to Mizarkar's and go away from the locality.

We, therefore, appeal to you to interfere with an iron hand and strictly and forthwith enforce the resolution No. 38 of the Municipal Council meeting d/- 16- 4- 1945 and save us from further agony and sufferings. You have saved us and our district from starvation and famine. We appeal to you, Sir, to deliver us from this ~~momentous~~ monstrous nuisance and help us to live comfortably and in peace.

We beg to remain,

Sir,

Your most obedient servants,

Mangalore,
30- 4- 1945.

1. Abdulla
2.
3.

R.No.18870-Hyg.45-2. Office of the Director of Public Health, Madras. Dated the 8th May'45

The Secretary to the Government of Madras,
Education and Public Health Department, Madras.

Sir,

Sub:-Licence-Mangalore Municipality-Cashewnut factory at Urva.

21508

Ref:-Government Memo No.13952-H-45-2 dated 24-4-45.

One of my Assistant Directors of Public Health will visit Mangalore by the end of May 1945. A report as required in the Government Memo cited above, will be forwarded to Government after his inspection.

Director of Public Health,
Madras.

C.V.R./8-5 Rcd. 9 MAY 1945

The report promised may be awaited till 5.6.45

12-5-45

12-5-45

FROM

C. L. Lobo, B.A.,B.L.
Vice-Chairman, Municipal Council
M A N G A L O R E

2399(a)

To

M. V. Subramanyan Esq., I.C.S.
Secretary to Government
Public Health & Education
Fort Saint George - MADRAS

Sir,

Subject: (1) Intolerable nuisance and serious danger to public health on account of the smoke nuisance from the Cashewnut Factory of Messrs. Mizar Krishna Annappa Pai & Co., Bolóor, Mangalore

(2) Dereliction of duty on the part of the Municipal Health Officer - Dr. Subraya Baliga

---

At the Municipal Council meeting held on 7-5-1945 the following resolution was moved after due notice and passed:

"This Council considers that the working of the cashewnut factory of Messrs. Mizar Krishna Annappa Pai & Co., in R.S. Nos. 71, 72 and 73 of Bolóor Village of Mangalore Municipality in close proximity to thickly crowded human habitation and the Labour School is a veritable nuisance and a positive menace to the health of the hundreds of neighbours and of the school children and therefore resolves that the executive should take urgent and immediate steps to stop forthwith all burning operations in the aforesaid factory premises."

24 Councillors including the Chairman were present at the meeting. 19 voted for the resolution, 3 voted against the resolution and one remained neutral.

The Municipal Health Officer who was present throughout the meeting, speaking strongly in support of the above resolution said: "I know that the nuisance is intolerable and dangerous to health of the public; the grievance of the complainants is a genuine one, that the nuisance should be stopped forthwith and I shall be very happy to stop it and give relief to the poor sufferers...."

Though the resolution was passed on 7-5-1945, till today absolutely no action appears to have been taken by the executive to stop the burning operations in the premises. On the other hand I understand, that both the Municipal Health Officer and the Commissioner have reported to you and to the Government that "there is only a certain amount of nuisance, though not to the extent which the Petitioners want to make out and that the nuisance is not so great as to necessitate the interference of Government" and that the Health Officer wants to say that this agitation is an instance of a malicious campaign that is being carried on against him by unscrupulous persons. The factory is working although a license was refused since 1943.

I therefore feel that I must submit this note to you on behalf of the large suffering section of our helpless public stating a few corect facts, so that you may judge for yourself.

1) Whether the working of the Mizarkar's Factory at the locality is not really a veritable nuisance and a positive danger and menace to the health of the public

2) Whether all burning operations should not be immediately stopped at the factory premises.

3) Whether the Commissioner and the Health Officer are justified in disobeying the resolution of the Municipal Council quoted above.

4) Who it is that has been unscrupulous, and

5) Whether it is not a fit case necessitating immediate interference by Government and the Director of Public Health.

That Dr. Subraya Baliga, (Municipal Health Officer), in order to oblige the Proprietors of Mizarkar's Cashewnut Factory has been from the very beginning (ever since 1940) defying and ignoring resolutions and proceedings of the Municipal Council, that he has been displaying a strong tendency to override Government Orders and Statutory Provisions of the

M.D.M. Act and the P.H.Act and that he is guilty of partiality and dereliction of duty will be clear from the following facts and records:

I. 1) The Mizarkar's Cashewnut Factory is situated in a thickly crowded locality. Within a radius of even 200 yards, there are more than 200 families with at least 1,000 persons living therein, including men, women and children. The area contaminated most by the smoke nuisance is covered by a radius of about two furlongs with over 500 houses, a large number of them being of the poor and depressed classes with also a Labour School for their own children. Over 2,000 men, women and children are being perpetually tortured by the pungent, irritating and suffocating smoke.

2) Government in their Order No. 749 P.H. dated 29-2-1938 have ordered the local bodies in whose area cashewnut factories are situated to direct factory owners to use only the Cottage Cashew Roaster and not to allow cashewnut factories within 200-yards of dwelling houses. Further, Government in their Order 4054 P.H. dated 3-9-1940 have ordered that removal of old established factories from non-industrial areas can be achieved only indirectly by refusing to renew all licenses in cases where there are good and sufficient grounds for such refusal.

3) "Cottage Cashew Roaster", Bulletin No. 41, issued by the Department of Industries Madras, contemplates: "With the expansions of the industry, the business gravitated to the towns and the P.H. Department began to take serious notice of the offensive nature of the industry and compelled the factory owners to work the factory outside Municipal limits...."

4) The Sanitation Committee of the Municipal Council stipulated, in about 1928 and 1931, while granting licence for the erection of the factory (India Produce Exporters, Cashew Factory at Baloor), "that the place at no time should be misused for roasting cashewnuts, nor should shells ever be used for fuel purposes in the factory, lest the use of it might

cause foul smell detrimental to public health. The proprietors of the factory should give an undertaking that the roasting would be done at Padavu (four miles away) beyond Municipal limits and these buildings at Boloor should be used only for garbling and peeling."

5) Proceedings of the Municipal Council meeting dated 29-11-1935 - Resolution No. 73.

"This Council resolves that licences for cashewnut frying within the Municipal limits be controlled and regulated as hereinunder:

a) That frying on a factory scale be not licensed at all;

b) that licence be granted for frying as cottage industry consisting of not more than one pan worked by one individual provided that there is no residential house other than the house occupied solely by the roaster and his family within 50 yards from the place of frying...."

6) The Mizarkar's Cashewnut Factory is situated only in small sub-divisions of R.S.Nos. 71/1, 72/3 & 4 and 73/4 & 5 of Boloor village and the area is about 5.81 acres. But the total area of R.S. Nos 71, 72 & 73 is about 14.44 acres and includes also holdings of several neighbours outside the factory premises. The applications for licence for 1943-44 and 1944-45 mention whole R.S. Nos.71,72 & 73 whereas the application for licence for 1945-1946 does not mention any of the R.S.Nos. 71, 72 & 73 but altogether a different R S. No. i.e. 90/B which is far away from the factory premises and which belongs to a school. It is strange that the Health Officer should have failed to take notice of these mistakes in the several applications.

7) (i) Licence applications for 1943-44 and 1944-45 and reports thereon from the Sanitary Inspectors disclose that the total of the H.P. of the electric motors in the factory premises is 18 or 14 or 12. In any event, it does not exceed 18 h.p. during any of the two years. But the application for

1945-46 shows that there are three 5 h.p. motors, two 2 h.p. motors and one 3 h.p. motor i.e. 8 motors of a total of 22 h.p. which means that for the current year three extra motors have been installed with the excess of 10 h.p. over that of the previous years. Section 250 of the M.D.M. Act provides (1) for submission to the Municipal Council of applications and plans of the factory for the installation of any new machinery or plant or motor driven by steam, water or other power; (2) for providing to the Council particulars as to the power, machinery, plant, etc.; (3) for permission of the Municipal Council to instal such machinery or power etc.

ii) G.O. No. 4054 P.H. dated 3-9-1940, Appendix provides that "No new factory and no fresh installation of any kind of machinery (other than electric machinery not excedding 20 h.p.) should be permitted outside industrial area."

"The installation should not be a nuisance or danger to public health."

"The machinery is not used for the purpose of carrying on any offensive trade."

iii) The Mizarkar's have recently opened a new factory and have styled it as "The Hindustan Commodities Corporation Cashew Factory" in the neighbouring compound.

In the case of both the above factories, old as well as new, there is not a single plan in the Municipal Office, nor is there a single application to the Council for installation of machinery or plant. The factories have been installing and running electric motor just as they like, in utter defiance of all the provisions of Section 250 of M.D.M.Act and G.O. No 4054 P.H. dated 3-9-1940.

II. 1) On 16-9-1940 Messrs. Aspinwall & Co., Ltd., Mangalore, started a cashewnut factory in T.S. No. 829 of 5th Ward (Bolor) just within the municipal limits and applied to the Municipality for licence . The Mizarkar's factory was also roasting cashewnuts then, but it was just outside the Municipal

limits, about a furlong away from the factory of Aspinwall & Co. There were several petitions to the Municipal Authorities, District Board, the Collector, etc. from the residents of Urwa and Boloor villages protesting against the burning operations carried on in the factories. One of the several allegations against the Mizarkar's Cashewnut Factory was: "Mizarkar's Cashew Factory is the worst sinner in this respect of victimizing ill-fated residents by incessant fumes, because of the roasting carried on there and the consequent volume of the poisonous and irritating fumes emanating throughout the day."

2) At that time, i.e. 1940-41 this very Dr. Subraya Baliga, was the Health Officer for Mangalore Municipality. The petitions and complaints against the factories were referred to him for action.

3) Dr. Subraya Baliga took no action at all against the Mizarkar's Factory although he was bound to report the matter under Section 50 of the P.H.Act, as the factory was outside municipal limits.

4) But Dr. Baliga vehemently pursued the cashewnut factory of Aspinwall Co. Endorsements after endorsements were sent to Aspinwall Co. not to create nuisance by using cashew shells and to stop forthwith all nuisance. He gave the following opinion dated 30-10-1940 to the Council. "It would be highly objectionable to permit roasting to be done in the place as it would affect the health of the public in the locality. Even for peeling, a certain amount of heating of nuts is necessary and if for generating heat cashew shells are used, then that would prejudicially affect the health of the people of the locality by noxious smoke in cashew shells."

5) The then Commissioner Mr. Nqrayan Shenoy reported to the Council as follows: "In my view it will be a nuisance to have any sort of factory generating smoke near one's residence. I was a victim myself in another station. Imposing of conditions may mitigate nuisance, but cannot stop it."

6) The Municipal Council resolved that the Health Officer should take immediate steps against the Aspinwall Company to stop the nuisance complained of.

7) The matter went up to the Director of Town Planning, Madras, who in his Memo D.T.P. No. 3211/40 dated 10-12-1940 observed that it was detrimental to the health and the amenity to permit the working of the factory in the place.

8) The Council considered the matter carefully and in its resolution No. 5 dated 5-12-1941 it resolved (i) that immediate steps should be taken to remove the factory of Aspinwall Company from the locality, (ii) that the executive should take urgent steps to stop forthwith all burning operations at the factory as the locality is preeminently a residential area, and (iii) that no licence should be granted for any operations connected with cashewnut industries in that area.

9) The matter was taken up in appeal to Government by the Aspinwall Company. The Collector of South Kanara, Mr. M. V. Subramanyam visited the factory on 20-4-1941.

10) Government in their G.O. No. M-2352 dated 4-6-1941 confirmed the resolution of the Municipal Council and refused to interfere with the action taken by the Council and the executive.

11) Dr. Subraya Baliga, M.H.O. who was also the Executive Authority Delegate issued the following proceedings dated 18-6-1941;

"All burning operations in the factory premises at Messrs. Aspwinwall & Co., should be stopped forthwith and the cashewnut factory should be removed from the locality."

12) The factory was closed for good.

III. <u>Mizarkar's Cashewnut Factory - 1942-43.</u>

In 1942-1943 the factory area was just outside the Municipal limits and was then under the South Kanara District Board. The Proprietor of the Factory applied to the District Board for licence for frying cashewnuts. The District Health

Officer submitted the following report to the President, District Board:

1) N. Dis. 2405-42-B. Retransmitted to the President, District Board, South Kanara, with reference to his N.Ref. 17268/42 dated 15-7-1942:

I inspected the Mijarkar's Cashewnut Factory at Bolur this morning. I also made a thorough inspection of the surroundings of this factory. At the time of inspection the factory was found working full swing. The approach to the factory even at a distance of about 2 furlongs was heralded by pungent irritating cashewnut roasting smell which was pervading the atmosphere all round. On getting into the factory compound I found that the atmosphere inside the factory building and compound was pervaded with pungent smoke possessing irritating smell due to the thick smoke coming out of thirteen chimneys of about 40 feet height attached to the factory. Within a distance of about 20 feet from the boundary wall of the factory there are dozens of dwelling houses and the roasting and heating ovens vary between 50 to 200 feet. The smoke coming out of all these chimneys which are only at a height of about 40 feet spreads throughout the atmosphere especially towards the north-eastern portion where dwelling houses are crowded together. The atmosphere in and around was found to be so pungent and irritating to respiratory system of the people living around the factory and to passers-by. I actually saw people closing their noses while passing along the road lying to the east of the factory. Several people bitterly complain to me about the great nuisance caused by irritating smell from the smoke coming out of the chimneys.

Coming to the Factory proper the surroundings of the factory were found in a very insanitary condition with shells scattered and not removed for months together. Rubbish and refuse are thrown at random at the rear of the factory, making the premises still more insanitary. The factory premises near the latrine are overgrown with rank vegetation and thorny bushes. There is no proper outfall for the drainage which is stagnating behind the factory. The night-soil from the latrine is not properly disposed of but said to be thrown off near the river. The drains are kept dirty and silted up, the silt not being removed for weeks together. Even the silt removed several weeks ago is allowed to remain by the side of the drain to stink. The flooring has not been scraped for months together and the accumulated dirt in the shelling shed is several inches thick. The walls are not properly plastered. They are smeared with sticky oil. The roasting cylinder is leaky in several places and the pungent smoke coming out spreads throughout the whole factory building and I found labourers covering their noses with pieces of cloth to prevent inhaling the smoky atmosphere. It was not found possible for a human being getting into the factory to remain there for 15 minutes without coughing frequently owing to the irritating fumes pervading inside and outside the factory.

I consider that the working of this factory in such close proximity to crowded habitation is a positive menace to the health of the neighbours. I am herewith enclosing a sketch showing the locating of the factory and the dwelling houses with distances from the factory.

Sd: K. P. Thomas, 30-7-1942
District Health Officer, South Kanara.

2) Extract from the Report of the District Health Inspector N. Dis. C. No. 1631/42 dated 5-8-1942.

"The factory is working without a licence. About 1,600 labourers are employed. The factory has got 13 chimneys of a height of about 50 feet. The thick clouds of smoke coming out of most of the chimneys spreads through the factory and its surroundings. The factory is situated in a locality crowded with human habitation.... The factory was found roasting cadhewnuts at 10.30 a.m., in violation of by law No. 6. An old woman with an attack of bronchial asthma was found by me going away from her house to avoid the suffocation caused by irritating smoke....I could not bear the irritating smoke and the offensive smell in the process of extraction of oil from the roasted shells. I consider that this factory in close proximity to dwelling houses is a veritable nuisance and a grave public health meance endangering the safety, convenience, health and life of the neighbours...."

Before orders could be passed on the licence application by the President of the District Board, the factory was suddenly closed. The President of the District Board therefore passed the following order:

"Since the factory is closed now, no action is necessary. The Company has to be informed that it should not resume the business without obtaining licence. No licence will be granted unless all the bye-laws are satisfied."

IV. In 1943-1944 the factory was included within the Municipality. Dr. Subraya Baliga was once again appointed as the Health Officer of the Mangalore Municipality. Application was made by a partner of Mizar Krishna Annappa Pai & Co. to the Municipality on 30-4-1943 for grant of licence for roasting cashewnuts at their Boloor Factory for 1943-1944. The following is the report of the Sanitary Inspector dated 4-6-1943:

"Submitted. R.S. Nos. 71, 72 and 73 of Boloor village. There are two 5 h.p. electric motors, one 2 h.p. motor, and two 1 h.p. motors now working within the factory.

"At present roasting of cashewnuts is done by machinery in closed caskets by heat generated by burning cashew-shells, as the result of which a cloud of smoke is involved every time in direct proportion to the number of fuel that the furnace would receive. Consequently black smoke would come out from the low chimneys provided and darken the atmosphere for a time.

"Cashew shells are not only used as fuel for roasting cashewnuts, but also burnt to heat the dehydrating iron chambers wherein peeled out cashewnuts are exposed in them for drying purposes. Hence black smell could be observed all through the day. The factory has been in existence for a long period and it is only recently brought within the Municipality after the extension of the Municipality. As the smoke is likely to prove

dangerous to the health of the people living in the locality as well as the workers, the following conditions may be insisted on the applicant to observe within the factory and licence may be granted.

(1) All the chimneys wherefrom smoke is made to diffuse at a height should be increased in height, so as to be at least 25 feet from the top of the roof.

(2) All the fire-places wherefrom the heat is generated should be fed only with firewood.

Under no circumstances cashew shells should be used for this purpose.

On 14-6-1943, licence was granted by the Health Officer under the conditions stated by the Sanitary Inspector.

V. 1) On 23-9-1943 there was a petition from the teacher of the Boloor Labour School to the District Labour Officer complaining against the smoke nuisance.

On 9-11-1943 the District Labour Officer forwarded the following report N. Dis. 8752/43 to M.H.O.:

"I have inspected the locality. A very nauseating smell emanates from the factory which is a source of nuisance to the residents of the locality as well as the children of the Labour School. The smoke coming from the factory in large quantities may have the effect of undermining the health of tender pupils attending school. Steps may kindly be taken to eliminate or mitigate the nuisance."

The only action taken by Dr. Baliga (M.H.O.) on the report of the District Labour Officer was to give the following endorsement to the District Labour Officer:

"Inform the D.L.O. that the matter is pending with the D.P.H. Steps will be taken to mitigate the nuisance as soon as orders are received."

2) Series of petitions were received by the Municipal Authorities from the public dated 2-7-43, 10-4-43, 12-4-43....and on everyone of these petitions, one uniform Endorsement by M.H.O. is found in the records.

"Action is being taken to mitigate nuisance."

3) On 2-7-1943 the Sanitary Inspector reported:

"Conditions of licence are not carried out - still using cashew shells...."

4) And the Commissioner passed the following order:

"Revoke licence granted as per Sec. 321(5) of M.D.M. Act."

VI. 1944-1945. Roasting of cashewnuts was being still continued without licence in spite of several mass petitions, from the public to the Council, the Commissioner, the M.H.O. complaining about the smoke nuisance.

1) Extract of one of the mass petitions dated 27-7-1944 addressed to the Collector of South Kanara and forwarded to the Commissioner, N. Dis. 836-44:

Mizarkar's factory roasting cashewnuts and extracting oil near the roadside near our houses - smoke flying-thereof flying enters our houses and we are subject to great difficulties and several people are attacked with cough and asthma. We had put a petit on long ago. The Government Officers came for enquiry. At that time the Company people stop the smoke which is let out through the chimney.... The Proprietor will not attend the factory during the time of extradting the oil. When bad breeze comes the smoke will flying off and fall down in the neighbouring wells and thus water of the wells will be spoiled....We pray that after enquiry Company will kindly be ordered to shift the roasting to some other unobjectionable site.

2) 10-8-1944 - Report of Sanitary Inspector:

Complaints are true and genuine. Smoke nuisance really unbearable. Air is contaminated due to smoke to a radius of 2 furlongs. No licence obtained for 1944-45.

3) C. No. 2488/44 dated 19-8-1944. Notice by M.H.O. (Dr. S. Baliga) under Sec. 249 of M.D.M.Act to Messrs. Mijar Krishna Annappa Pai & Co., to show cause why action should not be taken against them for having roasted cashewnuts and for having worked the electric motors. And on 19-8-1944 itself Dr. Subraya Baliga received the following application from Mizar Krishna Annappa Pai & Co.

"We regret that by oversight we have not applied for the renwal of licence in time and beg to apply for the grant of same for 1944-45 in premises R.S. Nos. 71, 72, 73 of Boloor village."

Under No. 2638/44 dated 29-8-44 the above application with the objection petitions was forwarded by M.H.O. to the Sanitary Inspector for inspection and report. The Sanitary Inspector on 6-9-1944 reported as follows:

"The applicant prays for licence for roasting cashewnuts and for running two electric motor of 5 h.p. and two electric motors of 1 h.p.

"Licence prayed for may be refused for the following reasons:

(1) The cashewnut factory is in the midst of thickly populated residential area.

(2) There is smoke nuisance to the persons living in the vicinity.

(3) The smoke nuisance affects more than 2,000 workers working in the above factory.

(4) The chimneys are at lower level.

(5) The cashewnut shells are being used for fuel for the boiler.

"I inspected the factory on 31-8-44 and 5-9-44 and found the entire area within a radius of about more than two furlongs being thickly covered with black smoke emanating through the chimneys of the cashewnut factory. People of the locality are mostly coolies and Harijans and they suffer very much due to this nuisance."

The Health Officer by Order dated 8-9-1944 and by proceedings dated 14-9-1944 granted licence for the electric motors. Regarding licence for roasting cashewnuts he ordered:

"Licence for roasting cashewnuts will be granted after receipt of instructions from the D.P.H. who is considering the conditions to be imposed."

VII. On 18-10-1944 there was another mass petition to the Municipal Council complaining about the intolerable smoke nuisance from the factory. The Commissioner in N.Ref. C4/12119/44 forwarded the petition to the Health Officer for early remarks within three days:

The Health Officer in N.Dis. 3123/33/re-transmitting to the Commissioner made the following endorsement:

Question of smoke nuisance in this factory is pending with the D.P.H. who has reported in N.Dis. 36853-1 Hy. dated 6-9-1944 that the question is placed before the P. H. Board.

VIII. On 10-11-1944 Sir T. Austin, C.I.E.,I.C.S.,Adviser to His Excellency (Public Health) visited Mangalore.

The factory completely stopped roasting of cashewnuts from that date for about 2½ months till 3-2-1945.

IX. On 8-2-1945 there was another petition to the Council from the neighbours Mr. Choodappa and others complaining that the factory had again started roasting of cashewnuts from 3-2-1945 and praying for action under Sections 43, 42(a), 42(b), 44 and 45 of P. H. Act, to stop the nuisance.

The petition was marked urgent by the Commissioner and forwarded to the Health Officer on 14-2-1945 for early remarks:

The petition was received by the Health Officer on 15-2-1945. The roasting of cashewnuts went on vigorously till the required stock was exhausted. The Health Officer after bottling up the petition with him for full one week, forwarded it to the Sanitary Inspector only on 23-2-1945 for report if the factory had started work again as stated in the petition.

The Sanitary Inspector on 23-2-1945 itself submitted it to the Health Officer stating that the factory started work on 3-2-1945 and closed again on 17-2-1945.

The Health Officer immediately i.e. on 24-2-1945 itself transmitted it to the Commissioner with the endorsement, N. Dis. 474/45:

"Cashewnut factory started work again on 3-2-1945 and closed on 17-2-1945. There is no cause for action now."

When this endorsement of the Health Officer reached the Commissioner on 25-2-1945 the factory had again started roasting and it has continued till this day in spite of several subsequent mass petitions and complaints from the neighbours who are being victimized by the smoke nuisance.

X. It is quite clear from the above facts that there is a secret understanding between the Factory Proprietors and the Health Officer and a conspiracy between them and the three Councillors who voted against the resolution of the Council meeting dated 7-5-1945 directing the executive to take urgent steps to stop forthwith all burning operations in the factory. They are all wealthy and influential members of a powerful community and therefore think that they can afford to flout the opinion of the Council and the local feeling in the neighbourhood of the factory. Roasting of cashewnuts without licences, installation and running of electric motors without licence and without permission is still going on in spite of several representations and telegrams to Government. The result is that a very large section of the public, especially of the poor and depressed classes is undergoing terrible suffering which is increasing day by day. Almost every house around the factory

is having either asthmatic cough or are consumptive patients. These poor people seem to have despaired of any redress and think that their unfortunate lot is either to suffer and die as victims of the smoke nuisance or give up their little holdings and go in quest of better atmosphere. The Proprietors of the factory have already purchased several holdings and are ready to purchase even the entire village. They can afford to do it. The Health Officer (Dr. S. Baliga) appears to be anxious to oblige them to the best of his power and position. Otherwise there is no reason why Dr. Subraya Baliga who wrote and worked so vehemently for the removal of the factory of the Aspinwall Company in 1940-41 should be unscrupulously siding, supporting and encouraging this Mizarkar's Cashewnut Factory in the very same locality with even a larger number of inhabitants, though it is the same kind of nuisance and sometimes even worse.

That the running of the Mizarkar's factory in that area is a veritable nuisance and a positive menace to the health of over 2,000 neighbours is proved beyond all doubt from the reports of the District Labour Officer, the District Health Officer, the District Health Inspector and of the Sanitary Inspectors of the Municipality (quoted in paras hereinabove) and from the reports of the Labour Conciliation Officer and of the Deputy Superintendent of Police who paid surprise visits to the factory when it was working in full swing and were personally able to feel and realise the danger to human health and the physical discomfort to human existence on account of the intolerable smoke nuisance. If the Health Officer and the Factory Proprietors have notice of any official visit, then of course, everything is stage-managed to create a false impression that there is either no nuisance at all or that the nuisance is not so great as to necessitate interference by Government.

Dr. S. Baliga's stereotyped endorsements to every report, complaint, representation and petition during the last two years that "instructions are being awaited from the Director

of Public Health to mitigate the nuisance" is nothing but a clever game on the part of interested persons to evade taking of any action against the Mizarkars.

Hence my appeal to Government to interfere immediately and to come to the assistance of our afflicted rate-payers and to save them from further agony and hardship.

In making this appeal on behalf of the suffering public, I am not asking for anything new. I am asking for the same relief which they asked against the Aspinwall Co. in 1940-41 - i.e. to stop all burning operations in the factory. That relief was found just and necessary and was granted to them by this very Health Officer, by the Council and by the Government (Vide G.O. No. M. 2352 dated 4-6-1941 - pages 6 and 7 above). There is no reason why similar action should not be taken now against Mizarkar's Cashewnut Factory, who are "the worst sinners in this respect of victimizing ill-fated residents by incessant fumes, because of the roasting carried on there and the consequent volumes of poisonous and irritating fumes emanating throughout the day."

I beg to remain,

Sir,

Your most obedient servant,

C. L. Lobo

Vice-Chairman,
Mangalore Municipality.

Mangalore,
28-5-1945.

Copy submitted to

1) The A.D.P.H., Camp: Mangalore

2) The Inspector of Factories, Calicut

3) The Commissioner of Labour, Madras

4) The Collector of South Kanara

5) Secretary of Municipal Councils & Local Boards, Madras

E.P.H(H)

Please see pages 31-45 ante.

Similar representations in the matter were already received from M/s A. Chidappa, John Segueira and Badruddin Sahib, Mangalore. The D.P.H was asked to instruct an A.D.P.H to visit Mangalore and submit a report to Govt urgently. In his letter on page 29 ante the D.P.H has stated that one of his A.D.P.H's will visit Mangalore by end of May 45 and that a report will be subd. to Govt. after the inspection. It would appear from page 45 ante; the A.D.P.H is camping at Mangalore now. If necessary, a reminder may be issued to D.P.H. A draft is subd. for appl.

TRS
30/5/45

31/5/45

30.5.45.

Edn. & P.H. (H) 47

Memo no. 13952 H/45-4 dt. 31/5/45

Licence - Mangalore City - Cashewnut factory at Urwa

- Govt memo no. 13952 H/45-2 dt 24/4/45 and D.P.H. letter no. R. 18870 - Hyg. - 45-2 - dated 8/5/45.

To
The D.P.H.

Rem'd K.M. 31-5-45

The D.P.H. is requested to expedite his report state whether TNS 30/5/45 the A.D.P.H. has visited Mangalore and submitted his inspection report. The matter should be treated as urgent.

30.5.45

31/5/45

C.F. 32 (a). Public Health

Department

From (Name) Major J.H.German, I.M.S.,

Designation Director of Public Health,

Station Egmore, Madras.

Received ..... Registered .....

To

The Secretary to Government,

Education and Public Health Department, Fort St.George, Madras.

Enclosures: R. No. 18870-Hyg.-45-5, dated 1st June, 1945.

Sir,

Subject:- Cashewnut Factory -- Mangalore Municipality -- South Kanara District -- Licence -- Grant of.

Reference:- Government Memo. No. 13952-H-45-2 dated 24th April, 1945.

25069 pp51-55 inf

I enclose for the information of Government a copy of the Inspection Notes of one of my Assistant Directors of Public Health who visited the Factory. I agree with all his recommendations. The grant of licence is recommended, on fulfilling the conditions prescribed by him.

The enclosure to the Government Endorsement No.13952-H-45-1 dated 11-4-45 is returned herewith.

2.6.45.

ks.1/6/45.

for Director of Public Health, Madras.

Inspection Notes of the Assistant Director of Public Health (Vital Statistics), Madras, on Cashewnut Factory of Mijar Krishna Annappa Pai Company, Mangalore, South Kanara District.

Inspected the Cashewnut Factory of Mijar Krishna Annappa Pai Co., on the 21st and 23rd instants, and also inspected Messrs. Pierce Leslie and Company's Cashewnut Factory on the 22nd instant for a comparative study.

Before I can give out my suggestion, it is very necessary to briefly state the processes that are carried on, in the Krishna Annappa Cashewnut Factory.

Raw cashewnuts-about 200 bags per day--are being roasted, in order to obtain the kernel inside for expert purposes; cashewnuts are first thrown, after cleaning, into a big receptacle, which feeds the tank in which roasting in the oil that is excreted from the shell of cashewnut is done. As far as this tank is concerned, it is a closed one with a vent or chimney for oil fumes to get out. It is fed by cashewnuts and oil are received on the other side. The oil that overflows is being collected in drums. In order to keep this roasting tank at the proper temperature, it is fed with cashewnut-shells. The cashewnut, as it comes out, is being shelled, sorted and packed in different sheds.

During the process of roasting in the oil, fumes of boiling oil are led into the air through a chimney. Further, the shells that are burnt for boiling the oil contain 6-7% of oil and when these shells are burnt in the oven, the oil fumes and the carbon particles are dispersed into the air through the other chimney. Hence (i) the oil fumes from the oil chamber for roasting, and (ii) the oil fumes and carbon particles from the shells are both dispersed into atmospheric air without any treatment. The oil fumes and the dark smoke that get out through the chimneys cause the most pungent and irritating smell.

There is absolutely no doubt in my mind that the health of the workers and that of the neighbourhood is affected by these oil fumes and soot. This is bitterly complained of by the residents of the locality and I have inspected many houses, the pos school and the surrounding area and I have seen several asthmat patients and men, women and children suffering from the ill-effects of these gases.

In order to remove the 6-7% of oil present in the roasted cashewnut, Messrs. Pierce Leslie & Co., have got a process of centrifugaling the nuts, after roasting. After centrifugalising, the nuts generally contain about half to one per cent of oil. So it would be necessary for Krishna Annappa Pai Co., to add these centrifugalising machines to their process. The cashew-shells are used by Messrs. Pierce, Leslie & Co., with coffee husk for burning purposes. There is no irritating smoke of any kind from the chimney. If it is necessary to use the cashewnut-shells as fuel in Mijjar Factory, it may be used, provided further measures are undertaken to see that the smell that emanates from the burning shells is by some process converted into a non-irritating smoke, free from carbon particles and free from irritating fumes. ~~My own idea but this~~

My own idea about this is that the smoke should be again burnt out in a separate furnace, thus the fumes of the oil and the carbon particles might get themselves burnt out completely. Or they may be passed through expanded drums so that the soot and the oil may settle down; or they may be passed through water or some other fluid. The machinery required for this purpose is to be devised by a Mechanical Engineer and approved by the Industrial Engineer. My suggestion is that by some means or other, the irritating and pungent smoke should be deprived of carbon particles and the oil fumes. These gases both from the oil tank and the oven should after proper treatment be distribute to the atmosphere through a masonry constructed chimney ranging about 50 in height. The treatment of the gases and their distribution into the atmospheric air as to be innocuous, is a most important and urgent necessity; and unless this measure is immediately carried out, the Factory should not be licensed.

2. Shelling compartment:- The place set apart for shelling the roasted cashew-nuts is very insanitary. The roofing of the shed is low and consequently it is not well-ventilated. About 600 to 800 people work in this Department. Considering the number of people employed, the accommodation is quite inadequate. There should be properly constructed impervious flooring for the workers; besides, elongated trenches for the deposit of cashew-nu shells during the process of shelling, should also be provided by the side of the workers and the shed should be open all round. Exhaust fans should also be provided in this section, preferably electric fans at suitable places. The number of workers that should be allowed to work in this shed should be fixed with reference to the floor area of the shed. The ash and dust nuisance should be avoided. Now it is apparent, the workers are constantly inhaling the dust.

3. Drying Section.- The flooring is terribly slippery and shows how unclean the place is. It has never been washed. Such a place should be daily washed. It should be always kept in a scrupulously clean condition. Even here, the height of the chimney should be increased and the fuel used should be either fire-wood and if cashew-shells are used, they should be treated as indicated above.

4. Peeling Section.- It is congested -- more room should be given to the workers. Here also the number of workers should be fixed to the square area of the shed. Better lighting and ventilation is required. It is at present dark, ill-ventilated and ill-lighted. The flooring of this section requires considerable improvement.

5. Packing and Tinning Section:- This section also is very congested. The flooring was not kept in a clean condition at the time of my inspection. The tin-bits should not be thrown about indiscriminately on the floor, but should be deposited in a receptacle provided for the purpose.

The odour that emanates as a result of treating the tin plates intended for packing, with alum is very pungent, due to lack of proper ventilators and a hood. The fire-place should be hooded so that the gas and dust that emanates be straightaway taken into the chimney instead of spreading into the whole room

of the section. Further, fuel used should be fire-wood; if not, it should be treated as indicated above.

6. Water-supply:- Is extremely insufficient. There are two wells in the premises which had about 6" to 9" of dirty water during my inspection. It may be necessary to put in some bore-wells inside or augment the water-supply by digging separate wells These wells should be provided with over-head tanks and supplied by taps. There should be more covered vessels for supply of drinking water to the workers in the sheds.

7.-It is also necessary to provide a mid-day meal to the labourers.

8.- A Woman Medical Officer and Creche should be attached as there are many women labourers. The Woman Medical Officer may be part-time, if necessary.

9.- Tiffin Rooms.- Some of the rooms within the Factory premises said to have been formerly used as tiffin rooms for the workers are now used by the Co-Operative Department for storing grains etc. I believe they were never used as tiffin sheds, for there are no windows, no proper ventilation and they are now used as Stores. Separate tiffin sheds for 1,000 labourers at 4 Sq.Ft. for each person, should be provided for purposes of taking food with necessary water-supply.

10. Latrines.- The present latrines are inadequate and have no water-supply. Septic tank latrines catering for 1300 to 1500 labourers should be provided with automatic flushing arrangements and dispersion trenches. A Factory of this magnitude and income ought to provide a septic tank latrine. Necessary plans should be obtained from the Sanitary Engineer to Government, Madras.

In conclusion, I review below in the order of urgency, the conditions under which the Factory should be licensed:-

(1) Treatment of the oil fumes from the oil tank and the gases that emanate as a result of cashew-fuel.
(2) Centrifugalising the roasted nuts.
(3) Water-supply and latrine arrangements.
(4) Improvements to the shelling and peeling sections.
(5) Other improvements as Medical attendances, creche etc.

Of these items, 1 and 2 are most urgent and should be carried out immediately.

Items 3, 4 and 5:- A time limit of three to six months should be given for carrying out the improvements.

Sd. A.Thirumaliah, 28-5-45.
Rao Bahadur, L.R.C.P.&S., etc.,
Assistant Director of Public Health
(Vital Statistics), Madras.

ks.1.6.45.

VERY URGENT.

Municipal Office, Mangalore
Dated the 2nd June 1 9 4 5.

Ref:C.No.64/9478/44.

From

Sri B. Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,
Mangalore.

To

13782

The Secretary to the Government of Madras,
Local Administration Department, M a d r a s,

Through

The Chairman, Municipal Council, Mangalore,
The Collector of South Kanara, Mangalore, and
The Inspector of Municipal Councils & Local Boards,
Record Office Buildings, Egmore, M a d r a s.

Sir,

Subject: Resolutions - Municipal Council - Carrying out - Instructions - Solicited.

Complaints were received, some of them of the nature of mass petitions, about smoke nuisance arising from the Cashewnut Factory of Mizarkar Company at Urva. Such complaints were also made to the Collector, the Inspector of Municipal councils and Local Boards and the Municipal Council, Mangalore. My remarks were called for by the Collector as well as the Inspector of Municipal councils and I offered them.

The Mizarkar's Factory came under the jurisdiction of the Council in 1943 with the extension of municipal limits. No licence for 1942-43 was granted to the Company by the District Board as al the conditions for the grant of licence were not fulfilled by them During 1943-44 licence under Section 249 of the Madras District Municipalities Act was issued to it by the Municipality on the following conditions :-

1) All the chimneys where from smoke is made to diffuse at a height should be increased in height so as to be atleast 25 feet from the top of the roof.

2) All the fire places where from heat is generated should be fed only with firewood.

3) Under no circumstances cashewnut shells should be used for this purpose.

The Company asked for time till November 1943 to carry out the conditions but time was refused. Soon after this, Viz, in July 1943, the Director of Public Health visited the Factory and stated that he would send his suggestions to mitigate the nuisance and pending that to allow the existing arrangements to continue. The party was, therefore, informed by my predecessor while in additional charge of the Health Officer that pending receipt of suggestions from the Director of Public Health the office order refusing extension of time would be kept in abeyance.

During 1944-45 and 1945-46 the company worked the factory without licence and complaints began to pour in from neighbours complaining of smoke nuisance. The Municipal Health Officer stated that he could neither grant licence nor refuse it as he was expecting the suggestions of the Director of Public Health whom he reminded in the matter from time to time. The last reminder was on 6th April 1945. The Director of Public Health lastly in his letter dated the 11th April 1945 replied that the Industrial Engineer has not yet reported on the experiments with the new roaster. Until the design of a cheap roaster was approved and recommended for adoption he stated that the procedure previously employed might be continued.

Petition of 18-10-1944 from Louis Sequeira complaining

of nuisance to the council was placed before the council with the remarks of the Municipal Health Officer and the Council referred the matter to a Committee. Meanwhile on 10th February 1945 one Sri A. Ghoodappa, a resident in the vicinity of the said Factory addressed the council (copy enclosed) complaining of the smoke nuisance. This petition was placed before the council which finally after elaborate discussions and after going through the relevant rules in its resolution No.38, dated the 16th April 1945 (copy enclosed) resolved that license might be granted on certain conditions:-

The aforesaid resolution was communicated to the Municipal Health Officer on 17th April 1945 for necessary action. The Municipal Health Officer replied on 18th April 1945 that he had referred the resolution of the council to the Director of Public Health, Madras, for necessary instructions, as he felt doubts about the legality of the resolution and also seeking urgent instructions. A copy of his reference is enclosed.

An urgent meeting of the council was convened to appraise the council of the situation. The council which met on 23rd April 1945, after thrashing out the subject in detail and after going through the rules and sections of the Madras District Municipalities Act and Public Health Act and hearing the Municipal Health Officer and Commissioner in the matter considered the resolution moved by the Vice-Chairman in the matter. This resolution was, however, lost.(Copy enclosed)

On 7th May 1945 the Vice-Chairman brought in an another resolution and the council, after much debate and weighing all sides of the question and giving a hearing to the Municipal Health Officer, who again explained the legal points and emphasised his inability to carry out the resolution without instructions from his superior, the Director of Public Health, carried the resolution by a majority. (Copy enclosed.)

This resolution was communicated to the Municipal Health Officer on 8th May 1945 for immediate necessary action and report. The Health Officer, however, without carrying out the resolution addressed the Director of Public Health with a copy of the resolution and replied that he was awaiting instructions from that Officer to give effect to the council resolution in question. A copy of this reference is enclosed.

I was convinced that the resolution was not legally passed. To make sure I referred the whole question to the Legal Advisor of the council.

The Legal Advisor opined that the council had no power to issue license under Section 249 of the Madras District Municipalities Act and much less to impose conditions for issue of license except on appeal. He stated that the petition dated the 8th February 1945 of Sri A. Ghoodappa, copy enclosed, which was placed before the council was not in the nature of an appeal as there was neither a grant nor refusal of the license to the Company from the Executive in the first instance. He also stated that the council had no power to appoint committee to inspect the Factory. He referred to the wording of the council resolution No.81 dated the 7th May 1945 and stated that under Section 251 of the Madras District Municipalities Act, so far, as the smoke nuisance is concerned the municipal council can at the best prohibit the use of the particular kind of fuel employed, namely, casshewnut shells and that the council has no power to direct the stopping of all burning operations. Further this resolution No.81 dated the 7th May 1945 which purports to substantially modify, nay, cancel resolution No.38 dated the 16th April 1945 was passed

contrary to the instructions laid down in Rule 8 of Schedule III of the Madras District Municipalities Act and within three months after the passing of the first resolution.

The smoke nuisance is admitted on all hands to be real and the neighbours, some of whom are reported to be asthmatic require speedy relief. I had inspected the Factory along with the Municipal Health Officer and had found that the use of cashewnut shells in the burning operation gives rise to offensive and irritating smoke which spreads in the neighbourhood and enters into dwelling houses some of which are within 200 yards of the Factory. I, therefore, on 19th April 1945 requested the Inspector of Municipal Councils to move the Director of Public Health, if considered advisable, in the matter and requested the Director of Public Health to expedite the issue of necessary instructions to the Municipal Health Officer. I addressed the Director of Public Health also on 23rd April 1945 and 8th May 1945 requesting to expedite matters and issue speedy instructions to the Municipal Health Officer in the matter and wired to him also on 8th May 1945 to expedite. In response the Director of Public Health as already stated deputed one of the Assistant Directors of Public Health in the last week of April 1945. He inspected this Mizarkar's Factory and other Factories in the town and promised to send his suggestions within a few days. I pressed on him during his stay here to settle the matter expeditiously and on his departure I wrote a D.O. letter to him on 28th May 1945 reminding him about the matter.

As far as the resolution No.81 dated the 7th May 1945 is concerned, it is clear that it is not legally passed and hence the Executive is not in a position to give effect to it. But there is nuisance and it has to be mitigated soon and the object of the resolution is also this. I, therefore, did all that I could do to carry out the spirit of the resolution taking the action detailed in the foregoing paragraph. I cannot help submitting here that the non-receipt for over one and a half years of instructions till to-day from the Director of Public Health as to the course to be adopted is plaging the Municipal authorities in difficult predicament, as the latter are forced to be passive spectators of a nuisance of which they are convinced. Of course, the Director of Public Health may have his own difficulties.

As regards the action to be taken with regard to the letter of the said resolution No.81 dated the 7th May 1945 not legally passed, I obtained legal opinion and it was received on 20th April 1945. From 20th April to 23rd April 1945 I was busy with the Assistant Director of Public Health accompanying him in his inspections. Meanwhile, I was also considering as to the course to be taken and one day as I was conversing with the Chairman in the office a few Councillors joined us and discussion on this question ensued. Some of them felt that it would be advisable for me to bring the matter to the notice of the council for reconsidering the question. I also felt that to avoid misunderstandings and in the interest of smooth relations I might not rush on and approach the Government for cancelling the resolution not legally passed under Section 36(1) of the Madras District Municipalities Act, especially also as I took charge of the Municipal Administration only a few months ago. However, I could not get an opportunity for this as the council adjourned twice, once on 21st May 1945, and again on 28th May 1945 for want of quorum. However, in the meeting held on 31st May 1945 in connexion with a notice (copy enclosed) received from Sri A. Choodappa threatening legal proceedings placed before the council and at the instance of the Chairman a discussion ensued and several of the members did not appear to be inclined to reconsider the position they had taken. I am, therefore left with no option except to approach the Government thus. I now request that the Government may be pleased to pass such orders as kindly deemed fit on this resolution No.81 dated 7th May 1945 not legally passed.

I also

I also request in this connexion kindly to be enlightened on the implications of the expression used in G.O.No. 327 P.H., dated the 24th January 1941 that "the Executive Authority and the Health Officer are to exercise their powers concurrently and where the Health Officer exercises his powers he has to do so under the general control of the Executive Authority". I requested to be informed for my guidance whether by the expression "concurrently" is meant that we should do so consulting each other, and whether by the expression "general control of the Executive Authority" is meant that the Executive Authority can veto the decision of the Health Officer if he differs from the latter, and act at his own discretion even though powers are delegated to the Health Officer by the Government in the said order, if not to whom a reference shoul be made if the Executive authority differs from the Health Officer on any public health matter. I request also kindly to be enlightened if Section 251 of the Madras District Municipalities Act which gives powers to the council to give direction to abate nuisances is superseded by section 44 of the Public Health Act which gives power to the Health Officer to abate nuisances, if not whether both the council and the Municipal Health Officer can simultaneously exercise power on the same subject Viz mitigation of nuisances.

Commissioner.

2/6

2.6.45

Forwarded:

Chairman, M.C.

Copy submitted to:
The Secretary to the Government of Madras, Local Administration Department, Madras direct to save delay.

Encl. 7

L.A. Dept (B Sec)

C & P Hlth. G.

L.A.G.O.No. 13782-1-B
7-6-45

GB 6-6-45

TD 6/6/45

M/2.6.45.

Copy of letter dated the 8th February 1945 from Mr. A.Choodappa Proprietor, Kenara Watch works, Nampankatta, Mangalore, To the (Commissioner)Chairman, Mangalore Municipality.Mangalore.

7 = JUN 1945

25694

The suffocating, cloudy and densitive unbearable smoke nuisance from the unlicensed Mizarkar's Cashewnut factory at Boloor has again begun from 3rd February 1945. We the inhabitants of the locality are again suffering from the said nuisance emanating from the factory. Several of our representations sent to the authorities have been bottled up and no action has been taken and the nuisance has been allowed to continue. Several officers of the Public Health Department including the present Director of Public Health and his assistants have inspected the factory and nothing tangible have been done.

Now we report to you under section 43 of the Madras Public Health Act

Health Act, of 1939 of this nuisance and request you as the Chairman of the Mangalore Local Authority to get this nuisance ascertained under Section 42(a) of the said Act and enforce the provisions of section 42(b) and request the Municipal Health Officer to take action under section 44 and if the company does not abate the nuisance we request you to take action under section 45 of the said Act.

We earnestly hope that you would comply with our request.

---

(1) Copy to the Director of Public Health, Madras.

(sd) A. Choodappa.

/True copy/

Commissioner.

Municipal Office, Mangalore,)
Dated the 2nd June 1945.)

M/2.6.45. compd:- 2.6.45

Extract from the proceedings of the Mangalore Municipal Council, dated the 16th April 1945.

x x x

Resolution No.38. Read petition dated the 8th February 1945 from Sri A. Ghoodappa, Proprietor, Canara Watch works, Hampankatta, Mangalore, regarding the smoke nuisance caused due to the roasting of cashew nut in the Mijarkar's Factory at Urva with the remarks of the Municipal Health Officer thereon.

After considerable discussion in the matter Mr. C. L. Lobo proposed and Mr. Shanker Alva seconded the following resolution :-

That this council resolves that a licence to Messrs Mijarkar's Cashew Factory for 1945-46 may begranted only on the following conditions :-

1) That they should use fire-wood for fuel.

2) That the height of the chimnies should be at least 25 ft above the top of the roof.

3) That the chiminies should be without a cap.

4) Under no circumstances cashew shells should be used for this purpose.

The Director of Public Health also may be addressed in this matter

The following

The following members are added to the committee appointed as per council's resolution No.45. dated the 6th November 1944.

Messrs J.S.Suvarna, M. Mukunda Nayak and B. Gangadhar Das.

The committee or any member thereof is authorised to inspect the Factory whenever necessary.

CARRIED UNANIMOUSLY.

x x

(sd) M. Moosian Saheb
Chairman, M.C.

True Extract/

Municipal Office, Mangalore,
Dated the 2nd June 1945.

Commissioner.

compd:

M/2.6.45.

Encl. 3

Copy of letter C.No. 1642/45, dated the 18th April 1945 from the Municipal Health Officer, Mangalore, to the Directorof Public Health, Madras.

Subject: Mizarkar's Cashew nut factory - grant of licence- instructions solicited.

The proprietor of the above factory has applied for licence for the current year. In view of the complaints received regarding smoke nuisance from this factory the Commissioner and myself held a joint inspection of the factory and had a talk with the proprietor regarding the mitigation of smoke nuisance. He has informally agreed to raise the height of the roaster chimnies by one more piece i.e. about 5 feet. We also tried to persuade him to use firewood instead of cashew shells for the furnaces. But on account of the scarcity of firewood in these days he pleaded that he may be given time for this and said that he would apply to the Collector for a permit for firewood and that he would use it to the extent he gets the permit. In view of the instructions contained in letter No. 35879-Hyg dated the 20th October 1944 of the Director of Public Health, Madras, this is the utmost we could do to mitigate the nuisance complained of.

He can't have prosecuted Kamath during the process without advance ! W/Ref.

The nuisance complained of is of the kind contemplated by Section 41 of the Public Health Act. Under Section 44 of the Public Health Act certain powers are given to the Health Officer to abate the nuisance if he is satisfied of the existence of a nuisance and if in exercise of the power vested in him the Health Officer issues the notice contemplated by that section and if there be default even thereafter or if in the opinion of the local authority the nuisance is likely to recur on the same premises; certain powers are given to the local authority to abate the nuisance. Section 42 of the Public Health Act provides for entry and inspection of any premises for the purpose of enforcing any of the provisions contained in chapter VI of the Public Health Act. Finally section 49 of the Public Health Act provides for the contingency of any default on the part of any local authority or its Health Officer in discharging its or his duty under the Public Health Act.

So far as the District Municipalities Act is concerned Section 251 provides for issue of directions for the abatement of nuisance and section 252 gives power to the local Government to pass orders or issue directions to Municipal council in this behalf.

I also invite attention to Section 144 of the Public Health Act which provides that if there be any repugnancy between any of the provisions of the Public Health Act relating to Public Health and any other enactment in force in the Province of Madras, the provisions of the Public Health Act shall prevail and the provisions of any other enactment to the extent of the repugnancy shall be void.

I submit that these provisions will be relevant while dealing with the complaint as will be apparent from the circumstances explained in my endorsement on the telegram - vide this office N. Dis. 1475 / 45 dated the 18th April 1945.

The matter came up before the council for consideration on a petition dated the 8th February 1945 presented by Sri A. Choodappa one of the signatories to the telegram. All the facts-we were placed before the council and the council passed the following resolution.

38. Read petition dated the 8th February 1945 from Sri A. Choodappa, Proprietor, Canara Match works, Hampankatta, Mangalore, regarding the smoke nuisance caused due to the roasting of cashew

nut in the Mizarkar's Factory at Urva with the remarks of the Municipal Health Officer thereon.

Taken as 3rd item - Rao Saheb P.R.R.Punja entered here.

After considerable discussion in the matter Mr. C.L.Lobo proposed and Mr. A. Shanker Alva seconded the following resolution :

"That this council resolves that a license to Messrs Mizarkar's cashew Factory for 1945-46 may be granted only on the following conditions:-

1. That they should use firewood for fuel.
2. That the height of the chimnies should be at least 25 feet above the top of the roof.
3. That the chmnies should be without a cap.
4. Under no circumstances cashew shells should be used for this purpose.

The Director of Public Health also may be addressed in this matter.

The following members are added to the committee appointed as per council's resolution No.43, dated the 6th November 1944 :-

Messrs J.S.Suvarna, M. Mukunda Nayak and B.Gangadhar Das.

The Committee or any member thereof is authorised to inspect the Factory whenever necessary.

Carried unanimously.

It looks as if the council has lost sight of the last communication dated the 20th October 1944 received from the Director of Public Health quoted above and it is a matter for the consideration whether the procedure adopted and the resolution passed by the council are in order having regard to the provisions of the Public Health Act and District Municipalities Act referred to above.

As regards the last para of the resolution there is no provision either in the Madras District Municipalities Act or Public Health Act for the council or any committee appointed by it or any member thereof to enter or inspect any factory. Hence this exceeds the powers of the council - Vide Section 253 of the Madras District Municipalities Act and Section 48 of the Public Health Act.

Under the above circumstances, I solicit urgent instructions whether I am to issue the license in accordance with the conditions mentioned in the council resolution or grant a license as per instructions contained in the letter of the Director of Public Health dated the 20th October 1944 and allow the procedure previously employed to continue till the new roaster is approved. As the matter is important, I request urgent instructions may kindly be given.

(True Copy)

Municipal Office, Mangalore,
Dated the 2nd June 1 9 4 5.

Commissioner.

compd:

M/2.6.45.

Encl. 2p

N.Dis.1475/43.

Retransmitted to the Director of Public Health, Madras

The factory in question has been in existence since the year 1930 and was outside the municipal limits prior to April 1943 and at that time the method adopted for roasting was rather crude and conditions were much worse then. Improved methods of roasting are now employed and the smoke from roasters is let out through chimneys more than 50 feet high from the ground level.

In 1943 the municipal limits were extended and the factory in question came within the municipal limits and licence was granted for working the factory on the following conditions namely:

1. All the chimneys wherefrom smoke is made to diffuse at a height should be increased in height so as to be atleast 25 feet from the top of the roof.
2. All the fire places wherefrom heat is generated should be fed only with fire wood.
3. Under no circumstances cashew shells should be used for this purpose.

Licence subject to the above conditions was issued on 17th May 1943. On 21st July 1943 the licensees applied for extension of time till November 1943 for carrying out the above conditions. At that time the Commissioner was also the Health Officer in charge and he informed the licensee by his reply dated 23rd July 1943 that time cannot be extended.

Soon after this the Director of Public Health inspected the factory and on 31st July 1943 the Health Officer in charge passed the following order and communicated it to the licensee.

"As the Director of Public Health inspected the factory and said that he would be sending in his suggestions further action on this office order dated the 23rd July 1943 will beheld in abeyance".

As no sugges tions were received from the Dir ctor of Public Health reminders were sent. On 14th October 1944 the Director of Public Health intimated that a simple roaster has been devised by the Government Industrial Engineer and that experiments with the same were being conducted and

will be suggested for adoption after its approval by the Public Health Board.

Again in reply to the reference made by the Commissioner to the Director of Public Health on 4th October 1944 the Director of Public Health sent the following reply dated the 20th October 1944.

"Design of a cheap roaster is being tried experimentally by the Industrial Engineer. Until this is approved and recommended for adoption the procedure previously employed may be continued".

I submit that having regard to the above communication received from the Director of Public Health it would have been improper on my part to take any action without further orders or instructions from the Director of Public Health.

Further instructions were solicited by reminder dated 6th April 1945, for which a reply has been received today stating that the Industrial Engineer has not yet reported on the experiments with the new roaster.

I submit that from what has been stated above it willbe clear that there has beenno dereliction of duty on my part; but on the other hand I have obeyed the orders of my official superior the Director of Public Health as I am bound to do and the charge levelled against me is absolutely unfounded.

I further submit that none of the signatories to the telegram or petition has ever come to me nor did I advises the neighbours to abandon their homes. This is another instance of the malicious campaign that is being carried on here against me for some time past by a few unscrupulous persons.

Municipal Health Office, Mangalore, D/18-4-45.

sd/S.Subraya Baliga,
Municipal Health Officer.

(True copy)

Municipal Office, Mangalore,
Dated the 2nd June 1945.

COMMISSIONER.

edmpd:

M/2.6.45

Extract from the Proceedings of the Mangalore Municipal Council, dated the 23rd April 1945.

x x x

Resolution No.1. Read Chairman's Notice dated the 21st April 1945 convening this urgent meeting of the council to consider the communication received from the Municipal Health Officer, Mangalore, informing that he had referred council resolution No.38, dated the 16th April 1945 to the Director of Public Health, Madras, for issue of instructions to him in the matter of granting licence for roasting cashew-nuts in the Mijarkar's Factory at Urva and that further action would be taken on receipt of the instructions.

After considerable discussion and the opinion expressed by several members of the council on the subject the following resolution was moved by Mr. C. L. Lobo and seconded by Mr. B. Thimmappa Shetty.

That this council is of opinion that the Resolution No.38 dated the 16th April 1945 unanimously passed by the council and that it should be enforced strictly forthwith and Messrs Mizar Krishna Annappa Pai & Co. shall be given 2 week's time from the date of communication of the issue of the Licence to fulfil the conditions.

Messrs M. S. Sreshta and J. S. Suvarna left the meeting before the resolution was moved.

The resolution

The resolution was put to vote and lost.

6 voted for the resolution and seven against.

x x

sd/ M.Moosien Saheb
Chairman, M.C.

(True Extract)

Municipal Office, Mangalore
Dated the 2nd June 1945.

Commissioner.

compd:-

M/2. 6. 45.

Extract from the proceedingsof the Mangalore Municipal council, dated the 7th May 1945.

x x x

Resolution No.81.

Read letter dated the1st May 1945 from Mr. C. L. Lobo, Vice-Chairman, Municipal council intending to move the following resolution

"This council considers that the working of the cashewnut Factory of Messrs Mijarkar's Krishna Annappa Pai & Co. in R.S.Nos 71, 72 and 75 of Bolcor village of the Municipality in close proximity to thickly crowded human habitation and the labour school is a veritable nuisance and a positive menace to the health of the hundreds of neighbours and of the school children and therefore resolves that the Executive should take urgent and immediate steps to stop forthwith all burning operations in the aforesaid Factory premises".

The resolution was moved by Mr. C. L. Lobo Vice-Chairman and seconded by Sri B. Timmappa Shetty.

After considerable discussion and the opinion expressed by several members of the council on the subject, the resolution of Mr. C. L. Lobo was put to vote and carried by a majority of 19 against 3 (Mr. Mukunda Nayak and others descenting)

x x x

sd/M. Koosian Saheb
Chairman, M. C.

True Extract.

Municipal Office, Mangalore,
Dated the 2nd June 1945.
M/2.6.45. compd:

2/6
Commissioner.

Copy of letter No. 1642/45, dated the 8th May 1945 from the Municipal Health Officer, Mangalore, to the Director of Public Health, Madras with a copy to the Commissioner, Mangalore Municipality.

Subject: Mizarkar's Cashewnut factory - issue of license - instructions solicited.

Ref: This office C.No.1642/ dated the 18th April 1945.

In continuation of my reference C.No. 1642/45 dated the 18th April 1945 I have to bring to your notice that the municipal council has by a majority, passed the following resolution which was moved by Mr. C.L. Lobo.

x x x x

"This council considers that the working of the cashewnut factory of Messrs Mizar Krishna Annappa Pai & Co in R.S.No.71, 72 and 73 of Boloor village of the municipality in close proximity to thickly crowded human habitation and the labour school is a veritable nuisance (of-the) and a positi menace to the health of the hundred of neighbours and of the school children and therefore resolves that the Executive should take urgent and immediate steps to stop forthwith all burning operations in the aforesaid factory premises.

x x x

sd/ Chairman, M.C.

I request that the instructions solicited in my reference quoted above may kindly be expedited.

sd/B. Subraya Baliga,
Municipal Health Officer.

Copy to the Commissioner, Mangalore Municipality, Mangalore with reference to his letter C4/9478/44, dated the 8th May 1945. I am awaiting instructions from the Director of Public Health to give effect to the council resolution.

/True copy/

Municipal Office, Mangalore.
Dated the 2nd June 1945.

Commissioner.

B/2.6.45

compd: 2.6.45

Copy of letter No.Nil dated the 28th May 1945
From A.Ghoodappa, Proprietor, Kanara Watch works, Hampankatta, Mangalore, To the Chairman in council, Mangalore Municipality, Mangalore.

Ere this, myself and others applied to the Municipal Council Mangalore, whereof you are the Chairman....., complaining about the smoke nuisance caused by the Mizarkar's Cashew Factory situated in Bolur ward of Mangalore Municipality, and requesting the council to take steps to stop the said nuisance. The area in which the Factory is placed is preeminently a residential one. Round about within a radius of two furlongs there are about 500 houses and all these are affected by the smoke. The thick dense smoke caused by the burning of cashew shells as a substitute for firewood and the white vapoury fumes produced in the process of roasting cashewnuts extraction of it contaminate the atmosphere and affect the health and safety of the inhabitants occupying the houses mentioned supra. As aninhabitant of the affected localit and as a person directly hit by the nuisance I had as stated supra applied to the council to get the nuisance abated. But for reasons best known to you and the council the nuisance continues in all its severity.No effective steps have been taken so far to protect the interests of the suffering public.The Factory owners proceed undaunted and every day, myself the members of my family and also the public concerned are made to inhale the obnoxious atmosphere with grave danger to our lives.In the circumstances, I do not see any other way but to proceed to a court of law to obtain proper redress. The Municipal council is clearly guilty of neglect of a plain duty cast upon it and of abetting the continuance by the factory owners of an act which for its effect has the undermining of the health and lives of a section of the Public of Mangalore. This may therefore be treated as a notice under section 350 of the District Municipalities Act. Unless at least on receipt of this notice the nuisance is ended I will sue the factory owners for an

injunction restraining them from proceeding with the working of factory impleading the Municipality also as a party Defendant. The Municipal council yourself personally, as well as the owners of the factory will also have to pay me the damages caused so far, to myself and the members of my household, which is put at a modest figure of Rs.1,000. A notice in similar terms has been sent to the Commissioner . . . of the Municipality this day.

Municipal Office, Mangalore,)
Dated the 2nd June 1945.)

Commissioner.

H/2.6.45.

H

537

TELEGRAPHS DEPARTMENT

Charges to pay.

12 JUN

EHH (H)

Office instructions. Words.

May be added to the file (in duplicate)

TO

H. M.

12.6.45

of Mangalore 13 tlrs kma 1163

Idhcall 15 on

vibhuti meeting held 11th June

views () with Concern hard-

ships to which workers owners

Cashew peeling factory are

thrown Consequence closure

79

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

	Charges to pay.	
made respecting this telegram	Rs.	As.

Office Stamp. 12 JUN

Handed in at (Office of origin) Date Hour Minute Service Instructions. Words.

TO

Recd. here at H. M.

factory to safeguard public health stop meeting Deputy ds reopening making adequate arrangements to safeguard health with least delay stop

N.B.—The name of the addressee, if telegraphed to with[illegible] after the date.

[illegible] Press, Aligarh. [illegible] 21 [illegible] 16-12-48 [illegible]

requests government wher-

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Charges to pay: Rs.	As.	Office Stamp.
respecting this telegram.		12 JUN 5

Received	Sent or Handed in at	Service Instructions.	Words.
TO	Rcd. here at	H.	M.

Veerbhadra to give Compensation
for involuntary unemployment
from owners Stop
= President Cashewnut
workers Unions organi-
zers =

N.B. The name of the addressee, if telegraphed to be written after the word
Office Pass. [illegible]

E.P.H (H)

This is a copy of telegram on pages 1-5 ante. 8 C.J. May 15. 3 slides to K main file.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Received 13 JUN 1945 Government of Madras

Ins. 1696 No. C.R. 8/6/45

Sent at H. M. Wb. 45

Govt. Stamp 12 JUN

26965

Handed in at (Office of Origin)	Date.	Hour.	Minute.	Service Instructions.	Words

TO

Rcvd. here at H. M.

Q of Mangalore Ama 11 6

adviser Governor Public Health on Public meeting held 14/15 June views () with Concern Hardships to which workers mixers Cashew dealing factory are thrown Consequence closure

N. B.—The name of the Sender, if telegraphed, should be written after, but separated from the text.

Ref: C.No. 04/9478/44.

Municipal Office, Mangalore
Dated the 5th June 1945.

From

Sri B. Suryanarayana Rao, M. A.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to the Government of Madras,
Local Administration Department,
Fort St. George, M a d r a s,

Through

The Chairman, Municipal Council, Mangalore,
The Collector of South Kanara, Mangalore,
The Inspector of Municipal Councils and Local Boards,
Record Office Buildings, Egmore, Madras.

Sir,

Subject: Resolution - Municipal Council - Carrying out etc.

Ref: My letter Ref. C.No. 04/9478/44, dated the 2nd June 1945.

In continuation of my letter quoted above I submit that the report of the Assistant Director of Public Health on his inspection of Mizarkar Cashew Nut Factory here with his suggestions for mitigating the nuisance and conditions under which the factory should be licensed has since been received (on 5-6-1945 night) and I addressed the Municipal Health Officer on 4-6-1945 itself to take immediate action on it. He is taking necessary action.

Commissioner

P.T.O.

F o r w a r d e d:

5.6.45

Chairman, M.C.

Copy submitted to:

The Secretary to the Government of Madras,

Local Administration Department, Madras, direct.

LA Dept(B)

EPH No. 0

Ka 15 Aug 15 Aug

⊗ relate to

encld:-

LA No 141861.B 16.6.45

1576

Orders have issued

This may be added here

Mani file

18.6.45

27176

E.& P.H.Department (H).

Licence - Mangalore Municipality - Casnewnut factory of Messrs.Mizar Krishna Annappa Pai Co - Nuisance caused by the working of - Inaction on the part of the Commissioner and Health Officer - Orders issued.

From Messrs.Chudappa, Sequeira, Badruddin, of Boloor, Mangalore, telegrams dated 7-4-45 and petition dated 30-4-45. . . .
From Mr.C.L.Lobo, Vice Chairman, Ml.CI., Mangalore, letter dated 28-5-45.
From the D.P.H., No.R.18870-Hyg-45-5 dated 1-6-45.
From the Commissioner, Mangalore Municipality, Mangalor No.C4/9478/44 dated 2-6-45.

ORDER No. 1622 P.H. 19 - 6 - 45
Ms.

The correspondence read above and especially the inspection notes of the A.D.P.H. sent with the Director's letter read above, show that the cashewnut factory of Mizar Krishna Annappa Pai & Co. in R.S. Nos.71, 72 and 73 of Boloor village, Mangalore Municipality, has been working from ~~1943~~ April 1944 without a licence under ~~section 249 of the~~ M.D.M. Act, that the processes carried on in the factory are a source of considerable nuisance to the residents of the locality, and that the conditions in which the factory is being run constitute a danger to the health of the factory- ~~workers in the factory~~ and of the residents of the locality. ~~and to the public health.~~ In spite of the public agitation against the factory, ~~of which the municipal authorities were aware,~~ and the Municipal Council's resolution on the subject, the Govt. find that the Mpl. Commissioner and the M.H.O. look no ~~have not taken~~ action whatever to stop the nuisance caused by the factory. ~~These officers have apparently allowed the nuisance to continue till they were able to find some means of stopping it without closing down the factory.~~ Effective steps should now be taken to put an end to the offensive operations carried on in the

factory in question -

The Commissioner, Mangalore Municipality, is therefore directed to take immediate steps to prosecute the owners of the factory under section 313 and schedule VII read with section 249 of the M.D.M. Act, 1920, and to continue the prosecutions until the processes in the factory which cause nuisance are entirely stopped.

A copy of the inspection report of the A.D.P.H. ~~who visited the factory recently~~ is forwarded to the Commissioner. A licence should be issued to the owners of the factory only when all the defects pointed out by the A.D.P.H. in his report have been rectified in the manner stated by him.

2. The Inspector of Municipal Councils & Director of Public Health Local Boards is requested to obtain ~~a~~ the explanations of the Commissioners concerned Ml.Health Officer for ~~the~~ their omission to take action in this regard and to submit ~~tneir~~ his explanations to Government with the Inspector's Director's remarks.

3. The Govt. ~~regret to~~ note that there has been delay also in the Office of the D.P.H. ~~has also been responsible for the delay in taking action in~~ as regards this matter.

4. The petitioners are referred to the Commissioner, Mangalore Municipality, for orders on their petition.

16/6/45

18/6/45

Dept. wise To Circle

14-6-45

To

The Commr., Mangalore Mty thro. C.M.C. (with a copy of A.D.P.H.'s report)
The Inspector of Ml. Cls. & L.Bds. (with a copy ~~of the A.D.P.H.'s letter~~)
The D.P.H.
The L.A.Dept.
M/s Chudappa, Sequeira, Badruddin, Boloor Village, Mangalore (para 4 only)
Mr.C.L.Lobo, Vice Chairman, Ml.Cl., Mangalore (para 4 only)

Edn. 4 P.H (H)

from M/s Chudappa, Sequeira, Badruddin & Co Mangalore, telegrams dated 7.4.45 and petitions dated 30.4.45

pp. 1 to 17 of 3-17 Cf

from Mr. C. L. Lobo Vice Chairman, M.C., Mangalore letter dated 28/5/45

pp. 31-45 Cf

Licence - Mangalore Mty.
Cashewnut factory of Mijar Krishna Annappa Pai Co.

Pages 1-17 and 31-45 of C.F. are contain petitions against the serious harm caused to public health by the smoke emanating from a Cashewnut factory owned by one Mijar Annappa Pai Co of Mangalore. It is stated that the factory is situated in a thickly populated area in Mangalore and that there are numerous dwelling houses and a labour School close by the factory. The petitioners complain that the smoke from the factory is intolerable and very injurious to public health. Mr. Lobo, Vice Chairman of the M.C. Council, Mangalore who is one of the petitioners, reports that the factory is working without a licence since 1944 and that it is allowed to run without being prosecuted against checked. The proprietors of the factory have been left free; and no prosecution proceedings have been launched against them for running the factory without licence.

p. 32 Cf

pp. 44-45 Cf

The D.P.H. who was asked to send a report to Govt. after deputing an Officer to inspect the place, has sent the report, which is on pages 49-55 Cf

Compt Cf

According to the A.D.P.H., who inspected the place, it appears that the smoke from the factory is most pungent and irritating and that it is certainly to be injurious to public health. He has suggested certain improvements to be made to the factory,

pp. 55, Cf

before any licence is granted to the factory.
The D.P.H. agrees. f 47 cF

It is submitted that the running of the factory at the present moment without licence is against law and the Council should direct the Respondent owner of the factory to suspend all burning operations forthwith, on pain of prosecution. The question of grant of fresh licence should be taken up only after the improvements suggested by the A.D.P.H. are effected for orders whether the Commr., Mangalore Mcty, may be instructed as above.

TNS 6/6/45

It is not known what action has been taken against the factory owners for running the factory without a licence - bale

2. The A.D.P.H's report itself emphasizes the objectionable nature of the operations carried on in the factory. This Council does not appear to have notified residential areas under the P.H. Act. However if it is a fact that the factory is a source of nuisance to the residents of the locality, as it is alleged in p-33 cf, and if the Council as a whole feels that the working of the factory is a menace to health, (vide reasons on p-31 cf) ~~the reports seems~~ the question whether the factory should be permitted to continue in the present Area seems to require consideration. In view of the strong representations

2) Licence had been granted under
p-57 Cf. certain conditions, during 1943-44. The licence
The HO. is to blame has not been renewed for the years 1944-45 and
vis-à-vis the Council. 1945-46. The Health Dept. seems to
below. be responsible for
TDS 9/6/45 this state of affairs. No action appears
to have been taken to stop the nuisance.

2. The Municipal Commr.
has raised two points in his letter
(i) That the Council's Resolution
of 7.5.45 is not legal
(ii) That the manner in which
Concurrent jurisdiction may be
exercised by the HO and the Exe
Centre Authority under Sec 24 9 of
the M.D.Act.

As regards point (i) it may be seen
p 71 Cf. that the resolution of 7.5.45 begins
with the words "This Council Considers
I agree. The Commr should have seen clearly what action he had to take in the matter. He need not have wasted time going into legal points regarding the propriety of the Council's action in having indicated what he should or should not do in the discharge of duties under the Act. The Council does not seem to have arrogated to itself the licensing powers under the D.M. Act. The need for such advice seems to be fairly clear from the facts of the case as disclosed in the A.D.P.H.'s report. It does not seem to be necessary to take notice of the point Council have referred on this aspect of the matter in their decision.

11/6/45

In regard to point (iii), the manner of exercise of the Concurrent jurisdiction in this case, attention is invited to Mr Day's note appearing at M on p. 46 of GO at (X). The Executive Authority's jurisdiction in the matter is not abrogated, and so he will be the ultimate licensing Authority, and the HO is in the position of a recommendatory Authority.

This is rather a difficult position, but Court have issued advice and they have to be followed.

Legal / Day See

Here a factory which accounts to a man of opinion, expert and otherwise, is a profound nuisance. The Council has pointed this out to the EO executive authority. The Comm's / HO's position would have been difficult if a licence under § 209 of the Act had been issued, but it appears that, in respect of the processes causing nuisance no licence had been obtained. But the Comm's / the HO were aware that these processes were being carried on without the necessary licences and that this was causing nuisance. The public were agitating - yet these two persons have done nothing except sit and wait till the DPH told them how to avoid the nuisance but the same time keep the mill running. This was a question that would come up in the matter of issuing the licence. When they knew that the nuisance was being continued without licence, their first duty was to see that the nuisance was stopped at once, even if this meant closing down the mill. Their inaction in the matter seems to indicate that they were not keen about closing down the mill and prefered to allow the nuisance to continue till they found some means of stopping it without closing down the mill. They should be asked to explain their inaction in this matter officially after [illegible] this case. Orders may also

be extracted and sent alongwith to the Commr for a report, especially on the pts mentioned & are indicated above. The Comr shd be specifically asked to reply within 5 days.

CAO

8/6/57.

Since submitting the office note on pages 1-3 ante the awaited advance copy of a letter from the Commr, 57-76 Cf Mangalore Mcty, on the matter dealt with in this file, has been received. The original of the letter, sent through the DPI, is yet to come.

The particulars required by D.S. on page 3 ante are supplied in the Commr's letter. They are summarised as below:-

① The Cashewnut factory has come under the jurisdiction of Municipality in 1943 with the extension of the municipal limits. Permission for the installations was apparently granted by the DTP under Sec 193 of the M. & T.P. Act.

representation + actions made; it is for order
whether action such as Mr. Ch. Ro. V. Chr.
[illegible] has suggested is called for —
for orders —

The ADPH's insp. report shows that almost everything is wrong with this factory.

The report unfortunately does not indicate (1) how the Mpl. authorities permitted this factory to come into existence, (2) whether it is being run without the necessary permission & licence & if so, (3) what action they took to stop this nuisance, especially when they were aware that the Council now were that the nuisance should be stopped.

There seems to be contravention of the provisions of the Factories Act too and I wonder what the local Factory Insp. has been doing about this. This is a matter for the M.O.H.

The relevant portions of the V.C.'s. petn. should

received asking the Comm^r to prosecute the case under § 313 r/sch VII read with § 219 and to keep on with the prosecutions till the proceedings causing nuisance is stopped.

A copy of the A.D.P.H's report may be sent to the Comm^r who may be told that clearance should be issued only when all the defects pointed out by the A.D.P.H. have been rectified in the manner stated by them. (The D.P.H. has delayed this badly)
L.A. may see (as regards Comm^r) before circulation.

11/6/45

L.A. Dept
R.

E & P. H. W. 13952 H/45-5. 11-6-45.

... May be perused and returned to E & P.H. Dept vide. On receipt of the Comm^rs explanations further action may be taken.

Dy 6.45 — 11.6.45 — 12.6.45 — Sec 12.6.45

11 JUN 1945

11/6/45

Rdr 14277-1A 12.6.45

I fully agree with Dy Sec that the inaction of the Commissioner referred to by the applicants is most reprehensible, and further action may be taken after hearing what he has to say in his defence, over & above what he has stated at pp 57-60 C.F.

12/6/45

Sec to H.M.

12 JUN 1945

12/6

SECRETARY, EDN. AND P.H. DEPT. 26340 15 JUN 1945 GOVERNMENT OF MADRAS

15 JUN 1945

May be circulated for orders.
X on pp 6 & 7 above may be approved.

Approved. The inaction & delay in the part both of the local officers & of the D.P.H's office is most blameworthy. 13/6/45

12/6/45

(On p 3 ante)
A.J.

With reference to the orders in circulation (on page 7 ante) a draft order is subd.

TRS
16/6/45

There may be more than one Commissioner involved, and the Insp^r. may be sent a copy of the order & he may be asked to obtain the explanations of the Commrs concerned & submit them to Govt. with his own observations.

[initials]
18/6/45

After orders the file may be sent to P.W.D. w.r.t. 'X' on p. 3 ante. / A.

[initials]
16.6.45

[initials]
18/6/45

[Issued as G.O. no. 1622 P.
19/6/45]

(a) — P.W.D.

P.H. no. no 97176 (P) H/45-1
19/6/45

P.W. Dept.

[illegible]

[illegible]

[illegible]

A above. The file relates to the issue of licences to the cashewnut factories at Mangalore. Extracts of X on page 3 above have been added to this dept. file on the subject for necessary action. The case may be returned to Edn. & P.H. dept.

(& submitted for information)

UNDER SECRETARY TO GOVERNMENT
Josy
20 JUN
PUBLIC WORKS DEPARTMENT

P.S.
22.6.45

[initials]
22.6.45

[signature] K.S.P. H (H)

P.W. 2-0-7054-A/45
23.6.45.

25 JUN 1945

29051

This file may now be closed. An extract of the G.O. at pages 91-92 & will be taken for a separate file to watch replies to para 2 of the order.

[initials]
25.6.45

[initials]
28/6/45

Extract taken
[initials]
29/6